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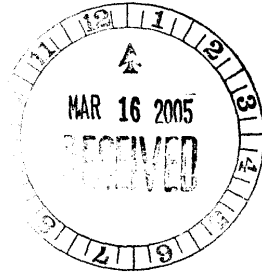
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March 16, 2005

Honorable Vernon A. Williams  
Secretary  
Surface Transportation Board  
1925 K Street, N.W., Room 700  
Washington, DC 20423



Re: *Otter Tail Power Company v. BNSF Railway Company*, Docket No. 42071

Dear Secretary Williams:

Enclosed for filing in the above-captioned matter are the original and ten copies of the Defendant BNSF Railway Company's ("BNSF") Request for Extension of Time. This request is necessitated by complainant's filing on March 14, 2005 of Errata to their March 1, 2005 Supplemental Evidence. Complainant has advised BNSF that it does not oppose this Request. Since the current date for replies is less than two weeks from today, BNSF requests that the Board give this Request immediate attention.

Please date stamp the extra copy of this cover letter and return it to the messenger who delivered this filing.

Sincerely,

Anthony J. LaRocca

Enclosures

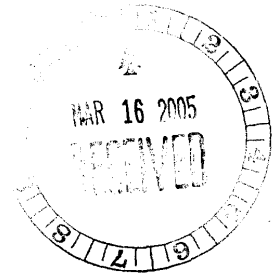
cc: David M. Konschnik, Director, Office of Proceedings  
Counsel for Complainant

**ENTERED**  
**Office of Proceedings**

MAR 16 2005

Public Access

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**



\_\_\_\_\_  
**OTTER TAIL POWER COMPANY,**

**Complainant,**

**v.**

**BNSF RAILWAY COMPANY**

**Defendant.**

**Docket No. 42071**

**DEFENDANT'S REQUEST FOR EXTENSION OF TIME**

Pursuant to 49 C.F.R. §1104.7(b), Defendant BNSF Railway Company ("BNSF") hereby requests that the Board extend the schedule for the parties to reply to the Supplemental Evidence by one week, from March 28, 2005 until April 4, 2005. This extension is necessary to provide BNSF with sufficient time to analyze the Errata to Complainant Otter Tail Power Company's ("Otter Tail") Supplemental Evidence, filed on March 14, 2005, and to prepare a reply to that Errata. BNSF also requests that the date for the filing of final briefs be extended by one week, from April 20, 2005 until April 27, 2005, to preserve the same time interval between the close of evidence and the filing of briefs. Otter Tail has advised BNSF that it does not oppose this Request. The grounds for this Request are described further below.

Pursuant to the Board's December 13, 2004 Order in this proceeding, as modified on January 19, 2005 and February 18, 2005, the parties filed Supplemental Evidence on March 1, 2005. The Board also ordered the parties to file replies to the Supplemental Evidence and scheduled replies to be filed on March 28, 2005. Both parties filed Supplemental Evidence on

March 1, 2005. However, Otter Tail noted in a cover letter accompanying its Supplemental Evidence that "it will be necessary for Complainant to submit an Errata within a few days." Otter Tail explained that the Errata was necessary because it had encountered a program error in the Rail Traffic Controller ("RTC") Model that was not corrected by the software vendor in sufficient time to employ the updated program in preparing its March 1, 2005 Supplemental Evidence. In a subsequent letter, dated March 9, 2005, Otter Tail's counsel stated that it had encountered additional issues with the updated RTC Model, which would further delay submission of its Errata. Otter Tail filed its Errata on March 14, 2005, almost two weeks after it filed the Supplemental Evidence.

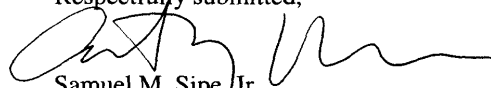
BNSF has initiated its review of the March 14, 2005 Errata. However, as Otter Tail itself pointed out to the Board in its March 9, 2005 letter, each run of the RTC model takes several hours to complete. In addition, the changes made by Otter Tail to its RTC analysis produced changes in several operating statistics, equipment requirements and operating costs. The number of cars and locomotives appears to have gone down, locomotive unit miles were reduced, and the number of road crews was reduced, among other things. It will take several days to evaluate fully the changes that Otter Tail has made to its RTC analysis and the effect of those changes on its SAC cost calculations.

While Otter Tail's Errata was filed almost two weeks after its Supplemental Evidence, BNSF believes it will be able to complete its analysis of Otter Tail's evidence with a one-week extension of the existing schedule. BNSF therefore requests that the Board extend the schedule for the filing of replies to the Supplemental Evidence from March 28, 2005 to April 4, 2005.

In addition, BNSF requests that the date for filing final briefs be extended by the same amount of time, from April 20, 2005 to April 27, 2005. The need for BNSF to evaluate Otter

Tail's Errata will reduce the amount of time that BNSF has to prepare final briefs under the current schedule. BNSF's preparation of final briefs should not be adversely affected by Otter Tail's Errata filing. Moreover, if the Board extends the date for the filing of replies to the Supplemental Evidence, there would be only two and a half weeks to prepare final briefs after the record closes. Given the importance of final briefs in the evaluation of the complex record developed in SAC cases, the Board should preserve the current interval between the filing of replies to the Supplemental Evidence and the filing of final briefs.

Respectfully submitted,



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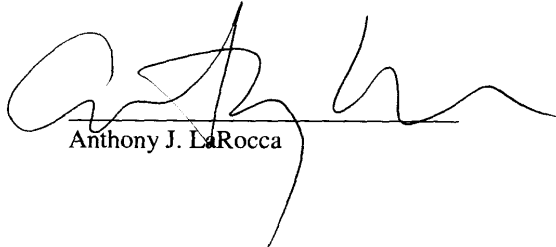
*Attorney for BNSF Railway Company  
f/k/a The Burlington Northern and  
Santa Fe Railway Company*

March 16, 2005

**CERTIFICATE OF SERVICE**

I hereby certify that on March 16, 2005, I caused a copy of the foregoing Defendant's Request for Extension of Time to be served by hand upon the following counsel for Otter Tail Power Company.

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